

Helsinki, 7. 11. 2013

Code of conduct for applicants participating in the Biocidal Products Committee and its Working Groups

(Decision by the Executive Director)

<p>Owner: Steve Hollins Validity: Indefinite Classification: Public</p>	<p>Distribution: Executive Director Quality Manager All Directors Head of the Executive Office Head of Unit B1, B2, B3 Chairs of all ECHA Committees BPC Secretariat (Steve Hollins) William Broere Camilla Buchanan ECHAnet</p>
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AS THE EXECUTIVE DIRECTOR OF THE EUROPEAN CHEMICALS AGENCY

Whereas, according to Article 6(7) of the Rules of Procedure of the Biocidal Products Committee, applicants may be admitted as observers to the Biocidal Products Committee and its Working Groups and shall conform to any applicable code of conduct;

I HAVE DECIDED THE FOLLOWING:

1. The annexed ECHA Code of Conduct for Applicants Participating in the Biocidal Products Committee and its Working Groups is adopted.
2. This decision shall apply from the date of signature.

Done at Helsinki, 7. 11. 2013



Geert Dancet
Executive Director

Code of Conduct for Applicants Participating in the Biocidal Products Committee and its Working Groups

1. Purpose of the attendance of applicants and their role

1. In accordance with Article 75 (4) of Regulation (EU) No 528/2012 (which in turn refers to Article 85(4) of Regulation (EC) No 1907/2006) and in order to facilitate appropriate decision making, ECHA permits the attendance of observers from stakeholder organisations at meetings of the Committees, as appropriate, and as identified by the body in question.
2. The Rules of Procedure of the Biocidal Products Committee¹ provide the possibility to invite applicants for approval of an active substance or authorisation of a biocidal product² to participate in a meeting or part of it as observers. The relevant BPC Working Procedures further specify how applicants and accredited stakeholder organisations (ASOs) may participate in certain biocide processes. Hereafter the term 'BPC' will refer to the Biocidal Products Committee and its Working Groups.
3. The purpose of the attendance of applicants at BPC meetings is to:
 - a) Provide a possibility for the applicant to be heard in the Committee phase of the BPC opinion-forming process;
 - b) Provide a possibility for the applicants to contribute to clarifying any discussion items, where necessary, directly to the BPC;
 - c) Ensure that all aspects are properly addressed and understood in the context of the application under consideration.
4. Attendance of applicants is not intended to circumvent or expand the relevant procedures set out in Regulation 528/2012 which already provide applicants the formal possibility to provide comments and explanations in relation to their application.

2. General rules

1. Without prejudice to confidentiality requirements, applicants may be invited as observers to BPC meetings for the applications as defined by Article 75(1) of Regulation (EU) No 528/2012, with the exception of applications defined by Article 75(1)(g), where their attendance will be considered by the Chair on a case-by-case basis.
2. The opportunity to attend BPC meetings carries certain responsibilities. It is the duty of each applicant: (a) to behave with due and proper respect for the meeting proceedings and towards all the members and other participants; and (b) to abide by the rules of procedure of the BPC and this code of conduct.
3. Applicants are expected to apply the general principles of openness, transparency, honesty and integrity when participating in the work of ECHA while respecting applicable confidentiality requirements. They shall always ensure that, to the best of

¹ Rules of Procedure for the Biocidal Products Committee are available on ECHA website (<http://echa.europa.eu/web/guest/about-us/who-we-are/biocidal-products-committee>)

² BPC Rules of Procedure Article 6, paragraph 7.

their knowledge, information which they provide is relevant to the case, unbiased, complete and up-to-date.

3. Identification of the representative of an applicant

1. A provisional draft agenda for a BPC meeting is published on the ECHA website at least 21 days before a meeting. The provisional draft agenda will indicate the applications to be considered at the forthcoming meeting.
2. On the basis of the publication referred to in paragraph 3(1) applicants are required to indicate their interest to the Secretariat of the Agency ("Secretariat") in attending the meeting and to identify one representative to participate.
3. The applicant will communicate the name and contact details of its representative to the Secretariat if it wishes its representative to be present at the BPC meeting where the application is to be discussed. The communication will be received by the Secretariat as soon as possible after the publication of the provisional draft agenda but no later than 14 days prior to the BPC meeting.
4. For each meeting only one representative per application is allowed, but when a justified case is made, the Secretariat may permit the applicant to be accompanied by an expert. An applicant must, at least 14 days prior to the meeting concerned, notify in writing to the Secretariat its reasoned request to be accompanied by an expert and include the identity of that expert. Should such participation be allowed, the same rules applicable to the applicant will apply to the accompanying expert.

4. Participation in meetings

4.1 General

1. Applicants shall respect the work of the BPC. Applicants shall not interfere with members, their advisers, invited experts, other observers or the Secretariat, in any way which, in the view of the Chair, constitutes inappropriate behaviour and/or may hinder the work of the BPC.
2. Applicants shall attend meetings at the discretion of the Chair and shall not attend other sessions of the meeting than those specifically indicated to them in advance of the meeting when their own application is under discussion. The Chair can decide to close a session at any point in time before or during a meeting.
3. Applicants are allowed to listen and to respond to any questions or comments by the Chair, members or other participants of the meeting. The applicant's interventions should be brief and the time allocated by the Chair shall be respected.
4. Non-availability of an applicant will not prevent the BPC from considering an application.

4.2 The participation of accredited stakeholder organisations

1. Normally sessions of the BPC which are open for applicants are also open for nominated representatives of ASOs.
 2. Applicants may send a written justified objection to the presence of ASOs attending the BPC for their application on the grounds that confidential business information will be involved.
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3. If applicants wish to send an objection as referred to in paragraph 4.2(2), this must be included in the communication referred to in paragraph 3(3).
4. If a discussion is closed to ASOs a non-confidential briefing will be provided to them afterwards.

4.3 Use of recording equipment and mobile phones

1. The use of audio and/or visual recording or photographing equipment shall be prohibited in the meetings and its breaks.
2. Mobile telephones shall be switched off in the meeting room.

5. Confidentiality

1. Applicants shall respect the rules on confidentiality laid down in the rules of procedure of BPC. They shall sign the declaration of confidentiality annexed to the rules of procedure of the BPC before their first attendance to a meeting. The applicants shall as a rule not get access to the documents of the BPC. In exceptional cases where access to some meeting or confidential documents is granted, or accidentally received, the rules on confidentiality shall apply.
2. The declaration of confidentiality referred to in paragraph 5(1) in practice implies that applicants may report to the relevant persons within their own organisation³ about the discussions held at the meeting. In any reporting they shall respect the confidential nature of any deliberations and shall not disclose any views or statements of individual BPC members or other meeting participants. Applicants are allowed to share any non-confidential meeting documents within their legal entity, but they shall not make them or their content publicly available unless they already have been made publicly available. Furthermore, reports to the media or any media channels shall respect the same conditions.
3. Confidential business information may arise in applications being considered by the BPC, for example information provided on alternatives to potential candidates for substitution or in the comparative assessment process. In such cases the meeting will be closed to applicants who will be informed afterwards about the outcome in a non-confidential briefing.

6. Documents from applicants

1. Applicants shall provide all relevant information in the first submission of their application in line with Regulation (EU) No 528/2012.
2. New information (e.g. new data) shall normally not be introduced by the applicant whilst the application is being considered by the BPC. Applicants may be permitted to provide information to clarify certain aspects of their application (e.g. use conditions) via the Secretariat. The Chair of the BPC in consultation with the evaluating Competent Authority will decide if this may be provided to the members of the BPC.

³ Includes a task force or consortium, where appropriate.

3. Documents provided to the BPC shall only be circulated by the Secretariat and shall be marked 'for information' and indicate clearly which applicant is responsible for them.
4. Applicants submitting documents shall remain responsible for their content and distribution cannot be interpreted as a validation or agreement to their content by the Secretariat.
5. Only documents that have been submitted to the Secretariat at the latest 12 days before the meeting will be made available to the members of the BPC electronically. Late documents can only in exceptional cases be distributed at the meeting in hard copies. In these circumstances applicants are requested to bring a sufficient number of hard copies for distribution. Members of the BPC have the prerogative not to take into consideration such late documents in any decisions taken at the meeting since they have been distributed after the formal deadline for distribution of documents.

7. Meeting minutes

1. A record of key points made by applicants may be included in the meeting minutes but the final decision on the wording of the minutes will be made by the BPC. Attendance of an applicant shall be recorded in the meeting minutes but personal data will not be disclosed.

8. Respect of the code of conduct

1. Applicants are requested to sign an acceptance notice of having received, read and accepted to respect this code of conduct, if they wish to attend the meeting.
2. Inappropriate behaviour or failure to conform to this code of conduct may lead the Chair to exclude a representative of an applicant from the meeting in question and potentially from future meetings. The corresponding applicant may subsequently be requested to consider another representative in the future.